

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LIBERTARIAN PARTY OF TENNESSEE,)
ANTHONY WALL, GREEN PARTY OF)
TENNESSEE, KATHLEEN A. CULVER,)
CONSTITUTION PARTY OF)
TENNESSEE and JOAN CASTLE,)

Plaintiffs,)

v.)

MARK GOINS, Coordinator of)
Elections for the State of Tennessee, and)
TRE HARGETT, Secretary of State for the)
State of Tennessee,)

Defendants.)

Case No. 3:08-0063
Judge Haynes

ATTACHMENT

EXHIBIT H

DEPOSITION OF KATHLEEN CULVER

In The Matter Of:
Libertarian Party of Tennessee, et al. v.
Brook Thompson and Riley E. Darnell

Kathleen Culver
November 13, 2009

Vowell & Jennings, Inc.
214 Second Avenue North
Suite 207
Nashville, Tennessee 37201
615-256-1935

VJ **V O W E L L**
J E N N I N G S

Original File 111309 K CULVER(2).txt

1 question?

2 BY MS. KLEINFELTER:

3 Q. When was the Green Party of Tennessee first
4 established, if you know?

5 A. Our initial effort was in 1992, '93. We sort
6 of fell apart for a while there, and came back in this
7 latest incarnation in 1999, 2000, and have been steady
8 since then.

9 Q. Let me ask you about that initial -- you
10 referred to it as the initial effort in 1992, '93,
11 were you involved at that time with the Green Party?

12 A. Very peripherally.

13 Q. And what do you mean by "initial effort"?

14 A. Well, there was a national party starting an
15 effort to make state parties happen, people got
16 together and tried to do that organizing. We were not
17 successful in keeping a core group together that went
18 from election to election.

19 Q. Okay.

20 A. So some organizing time was down there before
21 the election in 2000, and we got revved up for that.

22 Q. Were you involved in, I guess, getting the
23 party re-established in --

24 A. Yes, I --

25 Q. -- '99, 2000? And what was your involvement?

1 A. Our current web manager is Rod Young.

2 Q. Does Mr. Young receive compensation for that?

3 A. No.

4 Q. Is he a member of the Green Party?

5 A. Yes.

6 Q. Where is he located?

7 A. Hamilton County.

8 Q. Was Mr. Young appointed as the web manager?

9 A. Yes.

10 Q. And who appointed him?

11 A. The coordinating committee.

12 Q. Is he a member of the coordinating committee?

13 A. Yes, he is. Not as web manager, though.

14 Q. In what capacity?

15 A. As a representative from Hamilton County.

16 Q. Let me ask you a couple of questions about the

17 Green Party itself. How do you become a member of the

18 Green Party?

19 A. We have Ten Key Values that we hold to be our

20 value system. To become a member of the party, you

21 must sign a piece of paper stating that you agree with

22 the Ten Key Values, and you deem yourself a member of

23 the party. You consider yourself a member of the

24 party. So self-recognition and agreement to the Ten

25 Key Values.

1 Q. And where would you obtain that piece of paper
2 to sign?

3 A. You could get it off the website, you could
4 get it from any officer of the coordinating committee.

5 Q. And are you required to submit it to anyone?

6 A. If you -- if you want to vote in nominating
7 conventions and on bylaw and rules changes, then, yes,
8 you must submit it to the state coordinating
9 committee.

10 Q. But if you don't want to vote, all you have to
11 do is sign the form and, as you said,
12 self-recognition?

13 A. Yeah. If you sign the form -- the form's got
14 the Ten Key Values on it. If you sign the form,
15 you're a voting member. If you want to say, I'm a
16 member of Green Party, you're free to call yourself a
17 member of Green Party, but you wouldn't be able to
18 vote.

19 Q. Okay.

20 A. Once you sign that paper, you're eligible to
21 vote.

22 Q. If you've turned it in?

23 A. If you've turned it in, yes, if there's record
24 of it being signed.

25 Q. Okay. And you have local parties, is that

1 Q. Do you have to be a member in order to --
2 A. No, you would not have to be a member.
3 Q. And who maintains that mailing list?
4 A. Elizabeth Dachkowsky.
5 Q. Okay.
6 A. D-A-C-H-O-W-I-S-K-Y (sic).
7 Q. And you've indicated that you don't know what
8 the total membership of the Green Party is; is that
9 correct?
10 A. No, I don't know exactly what the number is,
11 but I would say it was probably close to 500.
12 Q. Well, and you've indicated that based upon
13 your list serve and the newsletters, it's around 500?
14 A. Yes.
15 Q. And I believe you indicated that part of the
16 reason why you don't know what your party membership
17 is is because Tennessee does not require you to
18 register by party when you register to vote; is that
19 correct?
20 A. That's correct.
21 Q. And you don't otherwise -- the party doesn't
22 otherwise keep records of membership?
23 A. We have -- we know who's on our list serve, we
24 know who has turned in their Ten Key Value Form and
25 signed to become a voting member. We know who we have

1 addresses for, but because -- there are many people
2 who don't even know that we're here, how -- maybe
3 not -- I know that there are people I have spoken to
4 who've said, Oh, yeah, I signed up as the Green Party
5 when I registered to vote. Well, clearly, they did
6 not, because in this state you don't declare your
7 party affiliation. So there are understandably people
8 who moved to this state from states that do have party
9 affiliation who believe that they are still members of
10 the party.

11 Q. You indicated that you had records of how many
12 voting members you have?

13 A. Yes.

14 Q. And do you know what those numbers are?

15 A. That's where I -- that 500 number is -- is
16 what we would consider our voting roles.

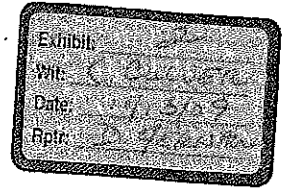
17 Q. Okay.

18 A. I can't say exactly, because ballots go out,
19 they don't necessarily come back. I can't be assured,
20 if somebody has moved do I just not have a correct
21 address for them? That's why I can't verify that
22 number with any certainty.

23 Q. That's fine.

24 How often does the Green Party meet?

25 A. The coordinating committee meets every



Minutes to the Green Party of Tennessee Annual Meeting
May 21-23, 2004 at Sequatchie Valley Institute

Members in attendance included Amy Beck, David Buckwalter, Katey Culver, John Croxton, Joy Day, Norris Dryer, Matt Foster, Penny Gharanfoli, Dan Grace, Donnie Johnson, John Johnson, Megan Kerns, Kylie Love, Seen Love, Chris Lugo, Shannon Miller, Marty Pleasant, Joe Rutherford, Amber Schaffer, Howard Switzer, Dale Thompson, Robert Waltz, Amanda Womack, Rod Young and Megan (svi)

The Green Party of Tennessee State Coordination Committee Election Yielded: * new
Co-Chair (M) – Matt Foster (Knoxville) *
Co-Chair (F) – Shannon Miller (Greeneville)
At Large (F) – Megan Kerns (Greeneville) *
At Large (M) – John Croxton (Knox County) *
At Large (F) – Amy Beck (Johnson City)
At Large (M) – Rod Young (Sequatchie Valley region)
Higher Learning (M) – Donnie Johnson at UTC *
Under Voting Age (F) – Megan with a self lead curricula at SVI *
Chattanooga – Penny Gharanfoli *
Knoxville – Robert Waltz
Memphis – Howard Switzer / Rod Young / Katey Culver investigating
Nashville – John Drury / Chris Lugo *
TriCities – Bill Stone

We are pleased with the current slate and feel strong, energized, ready to run candidates and work in our communities. Please address any and all concerns you have to a coordinating committee member and it will be addressed. Communication is vital to community. Many new committees are being formed. A media committee** made of Chris Lugo and Rod Young. It is their job to take over primary responsibility for our state websites, add links to calendars of events to our websites, and research radio and TV media opportunities for the Green Party of Tennessee and present them to the coordinating committee and Green Party of Tennessee yahoo groups list serve. Please suggest web site ideas and concerns to these gentlemen and they will present them to the state CC for discussion. A platform committee was formed to continue the fine tuning of the state platform planks and present them to the coordinating committee and the GP of TN. The members of the committee are Amy Beck, Rod Young, Megan Kerns, Robert Waltz, Shannon Miller, Katey Culver and Marty Pleasant. This committee meets again on August 21 in Knoxville. Within this committee, Amy Beck will write a new platform plank on the care and treatment of children and disabled people who are the wards of our state. Megan Kerns will write a new platform plank on animal rights and welfare. Shannon Miller will write a new platform plank on education. A third committee (student voter awareness committee**) was formed to extend a letter to state colleges and high schools which will encourage voter registration, political awareness and responsibility and political and community activism. The members on this committee are John ***, Matt Foster, Donnie Johnson and Shannon Miller. A fourth committee that has been discussed, although I unfortunately forgot to address at the

annual meeting, is a Newsletter committee**. This would hopefully include Howard Switzer, Penny Gharanfoli, Shannon Miller, heads of all locals and other volunteer members. We could post online and bulk mail a quarterly newsletter updating everyone on our calendar of activities, campaigns and candidates, individual local needs, successes and so forth. Knox county Greens have graciously agreed to create a committee for the purpose of writing a 'How to Run Local Campaign' document to help other locals as we seriously began to run officials in our districts and counties as well as explain the structure of local government in TN; will you please add in information for state structure and campaigning too if possible. A current political events** committee will work to gather and present research on current legislation at the state and national and international levels. This committee will also keep the GP of TN abreast of political happenings and tones across the country and world. Also a committee (TN Third Party requirement committee**) was formed to organize a PAC and to go through the proceedings to become legally registered with the state of TN as a political party. The formation of a Political Action Committee will allow us financial flexibility while running candidates in the state. We have a TIN number and the process is coming along. The first step of registering to be acknowledged a state wide political party and gain ballot access is to secure 41,329 registered voters signatures on a petition stating that the Green Party should be considered a valid political party in our state. We need to do this and submit it to Nashville by Jan, 2006. This goal is attainable and we should work hard to meet it. Running Green candidates in local elections will increase our chances that people will hear about us and look us up; then follow up by voting Green in the state elections in 2006 when we offer candidates. This committee currently consists of Amy Beck, Katey Culver, Matt Foster, Shannon Miller, Howard Switzer and Robert Waltz. These committees will help us become more organized and focused, better able to act in TN. Thank you, committee participants. Please contact a member of the coordinating committee or Shannon Miller at shannonceleste@email.com if you would like to join a committee; we need all the help we can get. ** indicate committees that really need volunteers.

The Green Party of Tennessee dedicated itself to positive discourse and made every effort to respectfully discuss our issues. We wrote a letter to the national party addressed our concern for maintaining respectful discourse with each other and others through out the tough 2004 election process. Katey Culver (GP US) has already sent that letter for us. Thank you.

Our visit by David Cobb was a big success. He came both for dinner on Friday night and for several hours on Saturday. David told us of his impoverished beginnings, his political drive and background, of his campaign strategy and why he thought he was the best candidate for our party in 2004. Our presidential IRV (with 19 ballots cast) resulted in a landslide victory for Cobb, with him receiving 89.4% of the vote. 5.3% went to Peter Camejo as #1 and 5.3% went to NOTA as #1. Our second place winner was Paul Glover. 9 of our delegates will be voting for David Cobb and one vote will be decided at the national convention in June. Our 10 presidential nominating candidates are Amy Beck, David Buckwalter, Katey Culver, Norris Dryer, Donnie Johnson, Shannon Miller, Marty Pleasant, Rick Rumpel, Joe Rutherford and Howard Switzer. John Croxton from

Knoxville will as alternate. The nominating convention will be held in Milwaukee on June 26. Delegates are encouraged to attend as many relevant meetings during the National Convention as they care to and can make it to.

Our Sequatchie Valley Institute hosts have invited us back, with praise for being so organized, full of good energy and cleaning up after ourselves so well. Good job being Green.

Minutes submitted by Shannon Miller Co-Chair Green Party of TN May 28, 2004

GPTN State CC 01/24/2007

John C
Katey C
Fle F
Martin H
Robert W

We need to figure out other things to do besides our normal business of the party during the annual meeting.

Ballot access discussion. On National level, there is a move towards new allocation of delegates. Signatures on a ballot petition will help us at the National Level. It is also a really good tool to talk with people about the GP. May be a good idea to go through the process of collecting signatures in conjunction with the lawsuit.
What about rooms in the Timberframe about? do we rent them out or do we keep them for cc members.
Reserve the rooms at Cabinsfor CC members.

What about food? Fle has fixed(?) container and crock pots. So we need to figure out meals.

Can get someone to pick up bread/bagels in Nashville and bring it up.

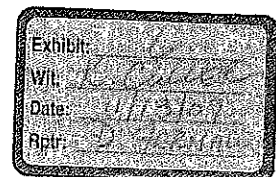
Soup and sandwiches for lunch

Lasagna for dinner and salad - Robert will provide

If people wish to trade work for food and fees then that would be ok.

Nan Garrett delegate from Georgia, running for President, wants to have as many women as possible to run for the Green party nomination. Katherine Austin Fits supporter of Katey and Howard's campaign is very interested in local economies. She has been invited to speak at National meeting and needs transportation costs.
Would she be willing to speak to the local party about her economic vision? she would need transportation costs. Lets decide on this expense in two weeks when we have better idea of our finances in February.

What about 'Vote no on 1' coalition? Could we get someone from that org to talk with us.



GPTN CC mtg minutes 8/3/08/7

AGENDA

treasurer's report
ballot access/lawsuit
campaign school
co-sponsorship of RI proposal
TN GP proposal
Beth&John's brainstorms
tabling at the TN fair
website
new banner
mediation plan
GPUS update

present:

Mike Bascom, Fle Frasure, Katey, John M., Martin H., Marty P., Beth,
Glenn, (Howard)

1) treasurer's report
current balance is \$1,543.12
\$1,174 of this is committed to paying for the lawsuit
leaving \$369.12 in available funds

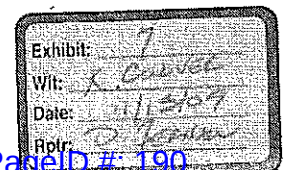
2) ballot access/lawsuit
lawyer has health issues and we're not sure the suit has been filed,
which is critical because we're nearing the deadline. Marty P. will
call and find out what's happening

Katey led a discussion of petitioning for ballot access. We need
about 46,000 valid signatures, which means we need to gather about
90,000, which is 1,000 per day between Sept.5 and Dec.5, the dates
that are open for petitioning by state law. The cost of professional
singnature gathering (\$1-\$3/signature) is prohibitive. We should make
a good faith effort to meet this standard, which is obviously
exclusionary in intention. Further discussion of this topic will take
place online.

3) campaign school
we have a second confirmed speaker and have an ad in the Nashville
Scene, but have no confirmed reservations so far. There are between
ten and twenty people with a verbal committment to attend. We need to
pump up our promotional efforts and formalize the program. The
campaign school committee will meet tomorrow night, but more people
than the committee members need to become involved.

4) the Rhode Island proposal
is intended to limit the number of times any individual can post to a
GP listserv daily, in an attempt to correct its domination by a few
people with a lot of time on their hands. It may be a meritorious
proposal, but there may be other ways to make the listserv more
equitable, and it would not be good politics to put our state's name
on the proposal, so we concluded that we would not co-sponser RI's
proposal.

5) the Tennessee proposal
calls for individuals and party organizations to take their money out
of right-wing nationwide banks and put it in locally-owned,



community-oriented ones. We agreed to advance this proposal to the GPUS.

6)tabling at the TN state fair
would cost \$200, might be difficult to staff fulltime, and might be a poor choice of target audience. We agreed to move the discussion to the listserv.

7)website
proposal to put a GPUS-sponsored donation button on the site.
Previous donation buttons have not produced results. Katey thinks this one is more professional and may solicit donations where others have failed. The site is getting drupal software, which will enable it to be more interactive.

after this, i left the meeting.
respectfully submitted
martin h